

REMARKS

The present amendment accompanies an RCE and is in response to the Final Action dated December 28, 2005 in which the Examiner finally rejects claims 1-20 under 35 U.S.C. 103(a).

In response, Applicant cancels claims 1-20 and adds new claims 21-40 which includes two (2) independent claims 21 and 30. Applicant respectfully asserts that the now pending claims are patentable over the cited prior art as discussed below, and respectfully requests that the Examiner issue a notice of allowance for the now pending claims.

A. Rejections of claims under 35 U.S.C. 103(a)

The Examiner rejects claims 1-7, 9-12, 14-15, 18 and 20 under 35 U.S.C. 103(a) as being unpatentable over Oda (U.S. Patent No. 5703392) in view of Sato (U.S. Patent No. 6625283). Claims 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oda in view of Sato and further in view of P. Capps (U.S. Publ. No 2005/0073414). In response, the new independent claims 21 and 30 comprise elements that are not taught or suggested by the cited references as discussed below.

Specifically, claim 21 claims, inter alia, the combination of

"a display disposed in and outwardly directed from the front face of the housing;

a thumbpad disposed in and outwardly directed from the front face of the housing and below the display, the thumbpad for display navigation and display option selection; and

a number keypad disposed in and outwardly directed from the first side face, the number keypad comprising at least ten depressible input keys numbered from 0 through 9";

and claim 30 claims, among other things, the combination of

"a thumbpad disposed in and outwardly directed from the display face of the housing and disposed below the display, the thumbpad for display navigation and display option selection;

a number keypad disposed in and outwardly directed from the number keypad face, the number keypad comprising at least ten depressible input keys numbered from 0 through 9".

Thus, Applicant is claiming a display and a thumbpad on a front face in combination with a number keypad with at least 10 keys on a side face. This combination is not taught or suggested by the cited references. *Further, as discussed below, a combination of the reference does not result in Applicant's claimed inventions.* Thus, Applicant respectfully requests that the Examiner issue a notice of allowance for the now pending claims.

1. Remarks regarding the cited references

The Sato Reference. Sato teaches away from a ten-key keypad as discussed in the background, Col 2, lines 1-44. (see MPEP 2143.03 "prior art must be considered in its entirety, including disclosures that teach away from the claims".) As shown in Figures 1-6, Sato utilizes five (5) keypads positioned so that there is a key for each finger. These keys are then pressed in a combination code, as shown in Col 5, to input a particular number or letter. Thus, the keys of Sato do not operate like a standard telephone keypad. In contrast, Applicant claims a number keypad located on a side face comprising at least 10 keys 0-9 for inputting numbers which Applicant respectfully asserts is patentable over the cited reference.

The Oda Reference. Oda teaches the number keypad on the front face and the display on the front face. Oda does not teach or suggest the use of two faces for two types of keypads. On page 6 of the Final Office Action, with respect to claims 4, the Examiner states that Oda teaches a thumb keypad in Figure 1. However, Applicant respectfully requests that the Examiner identify the thumbpad as Applicant cannot

locate the thumbpad from the Figure or description. In contrast to Oda, Applicant claims a number keypad on a side face and a thumbpad on the front face for controlling the display which Applicant respectfully asserts is patentable over the cited reference.

The P. Capps Reference. P. Capps teaches a QWERTY keypad (full keypad) on a front face with the display and a jog wheel (106) on a side face. In contrast, as discussed above, even though P. Capps teaches a jog wheel, as pointed out by the Examiner on page 8 of the Final Office Action, Applicant asserts that the claimed inventions of independent claims 21 and 30 comprise a number keypad on a side face and a thumbpad on the front face with the display which is different than the device taught by P. Capps, and are thus patentable over the cited reference.

2. Combining References.

Applicant asserts that a combination of the Sato, Oda and P. Capps devices does not result in Applicant's claimed devices of independent claims 21 and 30 without the use of impermissible hindsight (See MPEP 2145 (X)(A). To arrive at Applicant's claimed devices, one must use "knowledge gleaned only from applicant's disclosure". (id) "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." (See MPEP 2142 citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Specifically, the cited references might suggest a housing having
a front face having a display (Sato), a linearly aligned number keypad (Oda) or a QWERTY keypad with number on part of the keys (P.Capps), and
a side face having four (only) keys (Sato)** and a "jog" wheel on the side face (P. Capps). (**Sato teaches away from providing more than four keys and thus combining this reference is questionable.)

This resulting combined device is not Applicant's claimed invention. Thus, these references do not teach or suggest a front face with a display and a thumbpad, and a side face with a number keypad as claimed by Applicant. Applicant asserts that the

claimed combination of independent claims 21 and 30 and the claims dependent thereupon are patentable over the prior art. Therefore, Applicant respectfully requests that the Examiner issue a notice of allowance for the pending claims 21-40.

3. The Examiners Statements of Obviousness

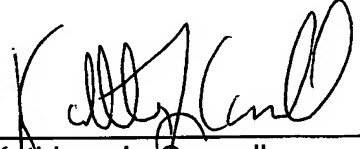
In light of the newly presented claims 21-40, Applicant traverses the Examiner's six statements of obviousness on pages 3, 4, 5, 6, 7 and 8. Specifically, five of the statements address modifying "Oda to include the phone number keypad on the side face as taught by Sato". However, Applicant further claims a thumbpad below the display in independent claims 21 and 30, which is not taught or suggested by these references. Also, since Sato teaches away from a full number keypad on the side face, then Oda should not be combined with Sato because the resulting combination is undesirable according to Sato. The sixth statement of obviousness addresses including a thumb keypad for the purposes of controlling the display. However, Applicant's representative is unable to identify a thumb keypad for controlling the display in the Oda reference. Further, the placement of the number keypad and the thumbpad as claimed by Applicant are not taught or suggested by these references, alone or in combination. Therefore, Applicant respectfully requests that the Examiner issue a notice of allowance for the pending claims 21-40.

B. Conclusion

Applicant respectfully requests that the Examiner issue a notice of allowance for the pending claims 21-40 as the cited references do not render the claimed invention obvious. Should the Examiner require further information, the Examiner is invited to contact the Applicant's representative at the number listed below.

Respectfully Submitted,

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